

MCLUAC (Middle Canyon Land Use Advisory Committee)
Minutes from March 15, 2021 meeting

Call to Order: 7:06pm

Committee Members:

- Sharon Demeester 12/31/21
- Aubrie Loroña 12/31/22
- Alexa Woods 12/31/23
- Victoria Lee 12/31/23
- Joe Hoff (joined via Zoom) 12/31/23

- Mark Mussman, Director Flathead County Planning and Zoning

Approval of Agenda sent via email by Sharon on 3/5/21

- Aubrie motioned to approve the agenda. Lexi seconded. Motion passed unanimously.

Approval of November 23, 2020 minutes as amended

- Aubrie motioned to approve the November 23, 2020 minutes. Victoria seconded. Motion passed unanimously.

Old Business

- West Glacier Vision Plan Review and Update
 - Mark Mussman: as the title suggests it is a group of vision statements for the town of West Glacier. The timing wasn't ideal because of COVID, but there were a couple very effective in-person meetings that happened before the lockdown. The important elements of the plan are:
 - (1) the five main vision statements:
 - Preserve Community Character and Sense of Place
 - Create a Safe and Resilient Community
 - Enhance Community Communications and Participation
 - Support Sustainable Outdoor Recreation Opportunities
 - Provide Seamless Transportation Connections
 - (2) the supporting principles that describe the specifics of putting the plan into action
 - The plan is in draft form and will be on the Planning and Zoning website until April 16th. There will be a final draft that will go through public scoping and then we will talk about next steps to formalize the plan either in the form of (1) addendum to the Canyon Plan or (2) make it a separate Neighborhood Plan. Once the plan is formalized, the Planning and Zoning office can take actionable steps that help to meet the five goals (i.e. more specific standards to help preserve community character and sense of place). The concentration of Park visitors has been very intense in the last 8-10 years – a population the size of Chicago comes to West Glacier between June and August. Now, with the progress that has been made with remote learning and working, you can expect that the increase in visitation will start spreading outside of the typical high tourist season. This plan is meant to address future development.
 - Mary Tee McLelland – the plan was born out of a growing awareness from the residents and business community that West Glacier was a small town experiencing big city pressures. This project brought out shared values and goals and allows the participants to work through any differences. If anyone has questions or comments or wants to chat through anything, Mary offered to have them contact her. Mary made maps for each board member that will help identify the geographic area covered by the plan. Historically, there was a Middle Canyon citizen initiative group that was formed to do the initial research to create a neighborhood plan which ended up getting absorbed into the Canyon Plan.
 - Sarah Lundstrum – the plan is available online and we really want feedback from everyone. If you just want to comment on pieces of the plan, rather than reading and commenting on the whole thing, that would be great. The more community feedback we receive, the better off we will be.

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- Sharon Demeester – I read through the data that was used to create the Canyon Plan and I see that there is a lot of redundancy and connection between the two. So, it is good to see that the original data is flowing through to this new document. I get the general impression from the plan that they want to spread the visitation and all of what it takes to support that visitation (transportation, restaurants, etc.) out throughout the County.
- Victoria Lee asked for clarification on how the plans work together. Mark confirmed that the Canyon Plan and the West Glacier Vision Plan go together and then the CALURS regulations are supposed to implement the goals and visions of whatever underlying neighborhood plan or growth policy that has been adopted. He commented that the plans are policy statements and not regulatory, but they are the foundation for developing the regulations. The formal adoption of this vision plan will and should result in a much closer look at the regulations themselves since they were developed back in 1994.
- Lexi Woods asked if there was ever a discussion about forming one plan and one document. Mark commented that the Canyon Plan was meant to serve that purpose because it covers just out of Columbia Falls all the way to the county line. During that planning process, they divided the Canyon into Upper, Middle and Lower and at the time the lower canyon (Hungry Horse and Coram) did not want regulations, so that is why the regulations only concentrate on the upper and middle. Since so much of the upper canyon is public land, there are only little pockets of upper canyon zoning, so most of the focus is on the Middle Canyon. There is not one plan because not one shoe fits all.

New Business

- Election of Officers
 - Aubrie nominated Sharon for President. Lexi seconded. Motion passed unanimously.
 - Joe nominated Aubrie for Vice President. Lexi seconded. Motion passed unanimously.
 - Aubrie nominated Lexi for Secretary/Treasurer. Victoria seconded. Motion passed unanimously.
- Mark Mussman Report on MCLUAC responsibilities on Major and Minor land use issues
 - Basically in the Middle Canyon there are:
 - Exempt uses – those uses that are just outright permitted (pg. 28 of the plan) such as single-family dwellings. These don't require any process
 - Minor Land Uses – designed to be similar to a conditional use permit and primarily administrative. It does not require adjacent property owner notification (with the exception of work camp regulations if they are adopted as presented to County Commissioners). This requires an application review by the Planning Board and issuance of a permit, but the MCLUAC does not make any recommendation
 - Major Land Uses – thought to be a more intense use of the property. Requires an application, a recommendation from the MCLUAC committee which is passed to the Planning Board, a hearing by the Planning Board which results in a recommendation forwarded to County Commissioners who will make a decision on the permit (i.e. approval, approval with conditions, or denial)
 - Any kind of amendments to the plan regulations also require a review and recommendation by the MCLUAC board (i.e. like the West Glacier Vision Plan)
 - Subdivision regulations are not outlined in CALURS, but it would require a hearing in front of the Planning Board and a recommendation by the MCLUAC board
 - Lakeshore Permits (for Lake 5 and Half Moon Lake) – for things on the lake and within 25 feet of the high-water mark. These are designed not to require any hearing, but they are currently in the process of being changed. If the Board of Commissioners determine that a particular lakeshore application could affect water quality, scenic values, fish/wildlife habitat, they do have the discretion to send the application to the Planning Board, but it does not require review by the MCLUAC board. The Lakeshore regulations were established in 1982 and the local advisory committees did not pop up until the mid-90s, so they didn't contemplate being reviewed by local land use advisory committee. They do have a clear set of performance standards that have to be met.

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- Lakeshore Permit – Mike Kopitzke
 - If the County Commissioners see that a permit application is going to have a significant impact, then they will send it to the Planning Board. I feel that if the Planning Board has to review it, it should also come before the MCLUAC board for a recommendation and this doesn't have to be just lakeshore permits, it should be any land issue
 - Mark commented that there are going to be some tough decisions in our future on what falls under "legal, non-conforming use" for lakeshore permits because there is no good record of what has historically been there and use is changing so much
 - Lexi Woods, Sharon Demeester and Mark Mussman all commented and agreed that it would be beneficial to have the MCLUAC board review and give recommendations on all major and controversial land use and lakeshore permits because it gives legitimacy to the MCLUAC board and it also ensures that the community has an opportunity to weigh in on issues that matter to them
 - Sharon asked the question about how the MCLUAC could go about getting approval to submit recommendations for other types of land use applications beside Major Land Use. Mark said that this would require a change in the process that may not be well received by the decision-makers.
 - The hearing on the proposed Lakeshore regulations will take place on April 6, 2021. The proposed changes to Lakeshore regulations do not require land use advisory committees to hear them. Now, County Commissioners will make decisions on all Lakeshore permits.
 - The undeveloped parcel for Whistlestop Retreat is going to be heard by the Planning Board on April 14, 2021. It has already been reviewed by the Commissioners and remanded back to the Planning Board. If the MCLUAC was going to try to review this, we would have to meet before 4/14/21 or try to get information from the Planning and Zoning office and submit written comments to the Planning Board or come to the hearing. The Planning Board is required to read the comments submitted by the public and they are asked to address the issues submitted by the public
 - The other Whistlestop lakeshore permit will be heard on May 12, 2021 by the Planning Board
 - Mark committed that any major variance that requires Planning Board review will come first to MCLUAC. However, going forward the best way for the community to comment on any of the applications is to provide individual public comment directly to the Planning and Zoning office. When the MCLUAC is preparing to meet, they can confirm all issues that the Planning and Zoning office
- Cleaning along bike path – update by Sharon Demeester on behalf of Trish McCarthy
 - For the last several years, Trish has been in charge of cleaning the bike path along Highway 2 and behind Montana Raft/Glacier Guides. She is suggesting that someone from MCLUAC take on the responsibility of submitting the application to the state and line up people to do the work.
 - Victoria Lee and Lexi Woods both commented that it is difficult for people who own summer businesses to commit formally, but that businesses typically take responsibility to clean the path and area surrounding their businesses.
 - Sharon Demeester is going to take over this responsibility.

Discussion and Public Comments

- Mary Tee McLelland – (1) reminder that the comment period for the West Glacier Vision Plan will be open until April 16th (2) thank you to all new and old committee members for taking the time to meet (3) there are many people on the call involved in the West Glacier Community Overpass and it has turned into a big project. It would be great to add this to the agenda for the April meeting
- Terry Divoky – Martel Construction is going to take over the bid process for the WG Community Overpass project. We have all the permits we need from BNSF. We also have a beautiful rendering of the potential finished project. The Rotary Club is coming up on May 1 to work on what will be the landscaped area and they have donated the first \$5,000 to support the projects. We will be starting a GoFundMe project and working on more grants. It looks like it is going to be a project for 2022, given what Martel has scheduled for 2021. The current estimate is for between \$40,000-\$60,000. Terry will try to scan the rendering to be included in an update for the newsletter

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Public Attendees

Mike Kopitzke (in person)
Mary Tee McLelland (zoom)
Sarah Lundstrum (zoom)
Terry Divoky (zoom)
Susie Dietz (zoom)

Sharon Bengston (zoom)
Onno Wieringa (zoom)

Adjournment 8:38 p.m.

Persons with a disability may request a reasonable accommodation by contacting Elaine Nelson at the Flathead County Commissioner's Office at 758-5501 or TTY (800) 335-7592, or call Montana Relay at 711. Requests should be made as early as possible to allow time to arrange the accommodation.

Any communication with the Flathead Planning and Zoning Office are subject to relevant State and Federal public record and information laws and regulations and may be disclosed without further notice to you.

How to contact the Middle Canyon Land Use Committee (MCLUAC)

All correspondence goes to the Flathead Planning Office initially. Concerns, complaints or questions should be sent to Planning.zoning@flathead.mt.gov; the office will respond within 24 hours.

Compliance complaints can be submitted by Middle Canyon residents by completing the compliant form provided online, attached to an email to the Planning.zoning@flathead.mt.gov office. Forms are also available at the Flathead County Planning and Zoning Office, 40-11th Street W, Kalispell MT

Code compliance web page:

https://flathead.mt.gov/planning_zoning/codecompliance.php

Complaint violation form:

https://flathead.mt.gov/planning_zoning/documents/ComplaintFormupdated12.19.16.pdf

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